# Education of Afflicted Children (Ireland) Bill.

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# BILL

TO

Provide for the better Education of Afflicted Children in Ireland. A.D. 1908.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Duty of local authority with respect to blind and deaf children.

1.—(1) It shall be the duty of the local authority of every place to which this Act applies, to enable blind and deaf children resident in that place, for whose elementary education efficient and suitable provision is not otherwise made, to obtain such education in some school for the time being certified by the Commissioners of National Education in Ireland (in this Act referred to as "the Commissioners") as suitable for providing such education, and for that purpose to contribute, on such terms and to such extent as may be approved by the Commissioners, towards the establishment or enlargement, alteration, and maintenance of a school so certified, or towards any of these purposes, and, where necessary or expedient, to make arrangements, subject to regulations of the Commissioners, for boarding out any blind or deaf child in a home conveniently near to the certified school where the child is receiving elementary education.

(2) The duty of a local authority under this section shall not extend to children who are—

(*a*) Idiots or imbeciles; or

(*b*) Resident in any workhouse or in any institution to which they have been sent by a board of guardians from a workhouse; or

(*c*) Boarded out by a board of guardians.



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Power to local authority with respect to other afflicted children.

2.—(1) The local authority of any place to which this Act applies may, with the approval of the Commissioners, make such arrangements as they think fit for ascertaining what children resident in that place are defective or epileptic within the meaning of this Act. 5

(2) The local authority in making their arrangements for the purposes of this section shall provide facilities for enabling any parent who is of opinion that his child ought to be dealt with under this Act to present such child to the local authority to be examined, although he may not have been required to do so by them; and any local authority failing to provide such facilities shall be deemed to have acted in contravention of this Act. 10

(3) For the purpose of ascertaining whether a child is defective or epileptic within the meaning of this Act, a certificate in the prescribed form to that effect by a duly qualified medical practitioner approved by the Commissioners shall be required in each case. 15

(4) For the purpose of the exercise of the powers conferred by this section it shall be the duty of the parent of any child who may be required by the local authority to be examined to cause the child to attend such examination, and any parent who fails to comply with such requirement shall be liable, on summary conviction, to a fine not exceeding *five pounds*. 20

Power to provide for education of defective and epileptic children.

3.—(1) Where the local authority of a place have ascertained that there are resident in that place defective or epileptic children, they may obtain elementary education for them in some school for the time being certified by the Commissioners as suitable for providing such education, and for that purpose may contribute on such terms and to such extent as may be approved by the Commissioners towards the establishment or enlargement, alteration, and maintenance of a school so certified, or towards any of these purposes. 25 30

(2) In the case of defective children, the local authority may also, where necessary or expedient, make arrangements, subject to the regulations of the Commissioners, for boarding out any such child in a home conveniently near to the certified school where the child is receiving elementary education. 35

(3) The local authority acting under this section shall make provision for the examination from time to time of any child dealt with under this section in order to ascertain whether the child has attained such a mental and physical condition as to be fit to 40

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attend the ordinary classes of national or other efficient elementary schools; and the local authority shall make provision for such examination in the case of any child whose parent claims such examination of his child; provided that the parent shall not make such claim within less than six months after his child has been last examined. Any local authority failing to make such provision as this subsection requires shall be deemed to have acted in contravention of this Act.

As to contribution by local authorities.

4.—(1) Where a local authority contribute under this Act to the establishment, enlargement, or alteration of a certified school, the terms approved by the Commissioners shall include security for repayment of the value of the contribution in the event of the school ceasing to be certified.

(2) The terms of contribution approved by the Commissioners may include provision for representation of the contributing local authority on the governing body of the school to which they contribute, in cases where such representation appears to the Commissioners to be practicable and expedient.

Provision of guides or conveyances.

5. A local authority may provide guides or conveyances for children who, in their opinion, are, by reason of any physical or mental defect, unable to attend school without guides or conveyances.

Expenses.

6. The expenses of a local authority under this Act shall be paid out of the local rate.

Power to enforce duties under Act.

7. If the local authority fail to fulfil any of their duties under this Act, the Commissioners may, after holding a public inquiry, make such order as they think necessary or proper for the purposes of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus.

Obligation of parents as to afflicted children.

55 & 56 Vict. c. 42.

8.—(1) The fact of a child being afflicted shall not of itself be a reasonable excuse for not causing the child to attend school in accordance with the provisions of the Irish Education Act, 1892, except in the case of any afflicted child under seven years of age, or in the case of a defective or epileptic child within reach of whose residence there is no appropriate certified school.

(2) In the case of a blind or deaf child the fact that there is not, within any particular distance from the residence of the child, any national school or other efficient school at which the child can attend shall not of itself be a reasonable excuse for not causing the child to attend school in accordance with the provisions of the said Act of 1892.



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(3) A parent shall not be excused from his duty under the said Act of 1892 to cause a child to attend school by reason only that a guide or conveyance for the child is necessary.

Conditions and effect of grant of certificate to schools.

**9.**—(1) A school shall not be certified by the Commissioners as suitable for providing elementary education for afflicted children—

(*a*) If it is conducted for private profit; nor

(*b*) Unless the annual expenses of its maintenance are audited and published in accordance with the regulations of the Commissioners; nor

(*c*) Unless it is open at all times to the inspection of inspectors of the Commissioners and of any visitors authorised by any local authority sending children to the school; nor

(*d*) Unless the requirements of this Act are complied with in the case of the school; nor

(*e*) Unless, in the case of a school for blind or deaf children, the annual expenses of its maintenance are, to the extent of not less than one third, defrayed out of sources other than the local rate or money provided by Parliament, and for the purposes of this enactment any contribution made under this Act by a parent towards the maintenance of a child shall be regarded as part of the local rate.

(2) Every school so certified (in this Act referred to as "a certified school") shall be deemed to be an efficient school within the meaning of the Irish Education Act, 1892.

55 & 56 Vict. c. 42.

(3) A certificate granted in pursuance of this section shall be annual.

Provisions as to religious instruction.

**10.**—(1) In selecting a school under this Act the local authority shall, if possible, send a child to a school under the management exclusively or in part of persons of the same religious persuasion as that professed by the parent of the child, and if the child is boarded out in pursuance of this Act the local authority shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the parent of the child.

(2) Where a child is required in pursuance of this Act to attend any school, the child shall not be compelled to receive religious instruction contrary to the wishes of the parent, and

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shall so far as practicable have facilities for receiving religious instruction, and attending religious services conducted in accordance with the parent's persuasion, which shall be duly registered on the child's admission to the school.

Liability of parent for expenses of afflicted child.

**11.**—(1) Where a local authority incur any expenses under this Act in respect of an afflicted child, the parent of the child shall be liable to contribute towards those expenses such weekly sum (if any) as may be agreed on between the local authority and the parent, or in default of agreement as may on the application of either party be fixed by order of a court of summary jurisdiction, and any sum so agreed on or fixed may, without prejudice to any other remedy, be recovered by the local authority summarily as a civil debt.

(2) It shall be the duty of the local authority to enforce any order made under this section, and any sum received by them under this section shall be applied in relief of the local rate.

(3) A court may at any time revoke or vary any order made by it under this section.

Saving of rights of parent.

**12.**—(1) The parent of an afflicted child shall not by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school.

Contribution by guardians.

**13.** The board of guardians of any poor law union may contribute such of the expenses of enlarging or maintaining any certified school under this Act for defective or epileptic children as are certified by the Commissioners to have been incurred wholly or partly in respect of scholars taught at the school, who are either resident in a workhouse, or in an institution to which they have been sent by the guardians from the workhouse, or boarded out by the guardians.

Period of education for defective children.

**14.**—(1) The period of compulsory education shall, in the case of an afflicted child, extend to sixteen years, and the number of attendances to two hundred complete attendances in each year.

(2) The attendance of such a child at an appropriate certified school may be enforced by a school attendance committee under the Irish Education Act, 1892, and in any area to which the said Act does not apply or is not applied the local authority for such

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area shall, for the purposes of this Act, be deemed to be, and shall act as if they were, a school attendance committee appointed under the Irish Education Act, 1892.

Grants from public money towards education of defective children.

**15.** The Commissioners may give aid from moneys provided by Parliament for public education in Ireland to a school in respect of education given to afflicted children, to such amount and on such conditions as may be directed (with the concurrence of the Treasury as regards finance) by or in pursuance of minutes of the Commissioners in force for the time being.

Repeal of powers of guardians with respect to blind or deaf children.

**16.**—(1) As from the *first day of July nineteen hundred and eight* so much of any enactment in force at that date as empowers boards of guardians to send blind or deaf children to institutions or hospitals shall cease to have effect in the case of such children resident in a place to which this Act applies save where they are—

(*a*) Idiots or imbeciles; or

(*b*) Resident in a workhouse or any institution to which they have been sent by a board of guardians from a workhouse; or

(*c*) Boarded out by a board of guardians.

(2) Provided that where any blind or deaf child, with respect to whom the powers of guardians cease in pursuance of this section, is on the *first day of July nineteen hundred and eight* relieved in any institution or hospital by a board of guardians, the child shall continue chargeable as if this Act had not passed until the expiration of six months' notice to be given by the guardians, if they think fit, to the local authority of the place from which the child was sent.

Returns and report.

**17.** Every local authority shall make to the Commissioners such returns as the Commissioners may require; and the Commissioners shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year, and in their report shall give a list of the schools to which they have granted or refused certificates under this Act during the year, with their reasons for each such refusal.

Interpretation of terms.

**18.**—(1) In this Act, unless the context otherwise requires,—

The expression "afflicted child" means a child who is either blind or deaf, or who, not being imbecile and not being merely dull or backward, is defective, that is to say, by reason of mental or physical defect is incapable of receiving proper benefit from the instruction given in

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national or other efficient elementary schools, but is not incapable by reason of such defect of receiving benefit from instruction in such special schools as are in this Act mentioned, or who is epileptic, that is to say, who not being an idiot or imbecile is unfit by reason of severe epilepsy to attend a national or other efficient elementary school;

The expression "blind" means too blind to be able to read the ordinary school books used by children;

The expression "deaf" means too deaf to be taught in a class of hearing children in an elementary school;

The expression "school" includes any institution in which afflicted children are boarded or lodged, as well as taught, and any establishment for boarding or lodging children taught in a certified school;

The expression "elementary education" includes industrial training;

The expression "expenses" when used in relation to a child includes the expenses of and incidental to the attendance of the child at a school, and of and incidental to the maintenance and boarding out of the child while so attending, and the expenses of conveying the child to or from the school;

The expression "maintenance" includes clothing;

The expression "prescribed" means prescribed by regulations made by the Commissioners:

Other expressions have, unless the contrary intention appears, the same meaning as in the Irish Education Acts, 1892 and 1893, as amended by the Local Government (Ireland) Act, 1898. 61 & 62 Vict c. 37.

(2) For the purposes of this Act a child resident in a school, or boarded out in pursuance of this Act, shall be deemed to be resident in the place from which the child was sent.

**19.** This Act shall apply to the whole of Ireland. Extent of Act.

**20.** This Act shall come into operation on the *first day of January nineteen hundred and nine.* Commencement of Act.

**21.** This Act may be cited as the Irish Education (Afflicted Children) Act, 1908, and may be cited with the Irish Education Acts, 1892 and 1893, as the Irish Education Acts, 1892 to 1908. Short title and citation.

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# Education of Afflicted Children (Ireland).

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# B I L L

To provide for the better Education of Afflicted Children in Ireland.

*Presented by Mr. Charles Craig,*

*supported by*

*Captain Craig, Mr. Lonsdale, Mr. Barrie, and Mr. Clark.*

*Ordered, by* The House of Commons, *to be Printed,* 5 *May* 1908.

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